

1 DAVID BURCHARD,
2 CHAPTER 13 TRUSTEE
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6 **UNITED STATES BANKRUPTCY COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
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9) Case No.: 10-1-0390 AJ13
10 In re)
11 ROBERT DECOITE JR. and ALICIA N.) **TRUSTEE'S OBJECTION TO DEBTOR'S**
12 DECOITE) **APPLICATION TO MODIFY CHAPTER**
13) **13 PLAN**
14 Debtor.)
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16 **TO THE UNITED STATES BANKRUPTCY JUDGE, DEBTOR(S)' COUNSEL,**
17 **DEBTOR(S), AND OTHER PARTIES IN INTEREST:**
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19 David Burchard, Chapter 13 Trustee ("Trustee"), for the Santa Rosa and San Francisco
20 Divisions of the United States Bankruptcy Court for the Northern District of California, hereby
21 submits the following Objection to Application to Modify Chapter 13 Plan proposed by
22 DANIEL B. BECK for ROBERT DECOITE JR. and ALICIA N. DECOITE ("Debtor(s)").
23 This objection is based upon all pleadings, papers and documents filed herein, together with
24 those matters of which judicial notice has been requested, and any oral argument, which may be
25 presented.

26 The Trustee hereby objects to the Application to Modify Chapter 13 Plan, dated April 17,
27 2014.
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The Trustee is unable to verify the basis for the application and Debtor's substantial change in income and/or expenses without Debtor providing the following information:

- Amended Schedules I and J
- A signed copy of 20¹ Federal Income Tax Returns
- Verification of income to substantiate change in plan payments
- Other: Final lump sum payment as proposed in paragraph 5 should reflect \$2,150.00 in order to pay all secured and administrative claims in full.
- Paragraph 3 requires that Debtors obtain a Court order sustaining their objection to claim prior to the approval of this plan modification. Trustee requests the removal of paragraph 4, which proposes to reduce the interest rate already paid on a vehicle claim. Trustee has correctly disbursed to Wachovia Dealer Services for a secured vehicle claim of \$13,375.07 at 9.9% interest rate pursuant to Debtors' confirmed Plan, dated March 26, 2010. Debtors cannot reduce retroactively already disbursed funds and reduce the interest rate to 4.00% as proposed in this modification.

Therefore, the Trustee requests that this objection be sustained, Debtor's Application to Modify Chapter 13 Plan be denied, and other relief this Court deems proper.

Dated: April 25, 2014

/s/ David Burchard
DAVID BURCHARD
CHAPTER 13 TRUSTEE

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3 **CERTIFICATE OF SERVICE**
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I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a true and correct copy of **TRUSTEE'S OBJECTION TO DEBTOR'S APPLICATION TO MODIFY CHAPTER 13 PLAN** and this **Certificate of Service**, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

ROBERT DECOITE JR. and ALICIA N. DECOITE
3963 SACRAMENTO AVE
SANTA ROSA, CA 95405

DANIEL B. BECK
BECK LAW, P.C.
2681 CLEVELAND AVE.
SANTA ROSA, CA 95403

Dated: April 25, 2014

/s/ NICHOLE SAN JOSE

NICHOLE SAN JOSE